



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105-3901**

September 23, 2020

Paul Enriquez
United States Border Patrol
Border Wall Program Management Office
24000 Avila Road, Suite 5020
Laguna Niguel, California 92677

Subject: Tijuana River Border Wall System Project– 0.2 miles across the Tijuana River

Dear Paul:

The U.S. Environmental Protection Agency Region 9 appreciates the opportunity to provide comments to U.S. Customs and Border Protection for this additional border barrier project in San Diego County.

Project Summary

According to the CBP request for input notice dated August 26, 2020, CBP will be constructing approximately 0.2 miles of new border wall system across the Tijuana River. The project will include a bridge with 30-foot tall steel bollards, a vertical lift gate, lighting, a 20-foot wide roadway and a maintenance walkway. A berm at least four feet tall will also be constructed approximately 150 feet downstream of the new border wall system for debris control. This project is one of multiple and concurrent border fence projects along the U.S.-Mexico border being planned or constructed in fiscal years 2018, 2019, and 2020 which are in various stages of completion. As with the other segments, this project is covered by a waiver of the National Environmental Policy Act and over 30 other environmental and cultural resource protection laws. The waiver for this segment was issued on February 8, 2019 by the Secretary of the Department of Homeland Security.

We very much appreciate the CBP response to our request for more information regarding this project segment with a conference call on September 1, 2020. On that call we provided several comments, which are reiterated here, with additional comments below for your consideration.

Debris Control Berm

According to CBP's request for input, the project will include a 4-foot tall berm, approximately 150 feet downstream of the new border barrier, for debris control. We believe that placement of such a berm immediately upstream of the border barrier, as opposed to 150 feet downstream, might help avoid pooling and trash collection behind the border barrier. We recommend CBP identify the party that would be responsible for cleaning the trash and sediment that accumulates due to the barrier or berm and assess how frequently maintenance will need to occur to avoid flooding.

We understand that CBP and the U.S. Border Patrol will be working with the U.S. Army Corps of Engineers and contractors on a lift gate system that takes extreme flood events and debris and sediment into account as part of the overall project design. We reiterate that should the barrier not be lifted during a rain event, the trash and sediment would act as a dam and could potentially cause catastrophic flooding

in Tijuana where population density is high. We note that there have been instances when U.S. border fencing, combined with trash from Mexico, have resulted in significant flooding in Mexico. We strongly recommend the inclusion of safety features that will allow the gates to break away should the electrical and/or manual lift-function fail to operate as designed.

Flood Flows Used in Hydraulic Modeling

On the September 1, 2020 call, CBP stated that the contractor would do a hydraulic study based on the 100-year flood flow that would inform the design of the barrier. Sizing the barrier for the 100-year flood flow could be inadequate to convey higher-volume flows, occurring as a result of changing precipitation patterns, and to avoid environmental impacts and threats to safety. FEMA, in its guidance document *Further Advice on Executive Order 11988 – Floodplain Management*,¹ states that “in light of increasing flood damages occurring outside of the designated 100-year floodplain, it may be appropriate to consider using a higher flood standard for proposed activities which are funded, either directly or indirectly, by the federal government.” We recommend the channel barrier be designed to accommodate flood flows greater than the 100-year flood. At a minimum, we recommend CBP run hydraulic modeling scenarios with different probabilities and infrastructure failure scenarios to inform the design and operation of the project.

Coordinating with Other Projects

As we mentioned on the call, the Clean Currents Coalition in collaboration with the Benioff Ocean Initiative has funded Wildcoast to conduct a Tijuana River trash capture project. We recommend CBP coordinate with this organization to ensure the CBP project does not negate the benefits of the trash capture project or if appropriate, that the projects be modified to work together. Additionally, the EPA is currently studying possible U.S.-side river diversion structures that could be funded with resources from the U.S. Mexico Canada trade agreement or other funds. We recommend CBP closely coordinate with our EPA Region 9 office so that we can consider any new border infrastructure in our project planning. Doug Liden in our Mexico Border Office is the appropriate EPA contact; Doug can be reached at 619-235-4763 or Liden.Douglas@epa.gov.

Air Quality

The project area is in moderate nonattainment for the 2018 8-hour ozone National Ambient Air Quality Standard. We recommend measures be taken to reduce the emission of ozone precursors during the construction phase, reduce exposure to sensitive receptors and reduce traffic and safety impacts. We recommend the following be included in project construction contracts:

- Commit to the best available emissions control technologies for project equipment.²
 - *Nonroad Vehicles & Equipment* – We recommend nonroad vehicles and equipment used for this project meet or exceed the U.S. EPA Tier 4 exhaust emissions standards for heavy-duty nonroad compression-ignition engines (e.g., construction equipment, nonroad trucks, etc.).
 - *On-Highway Vehicles* – We recommend any on-highway vehicles used for this project (refuse haulers, shuttle buses, etc.) meet or exceed the U.S. EPA exhaust emissions standards for model year 2010 and newer heavy-duty on-highway compression-ignition engines.

¹ Federal Emergency Management Agency, 1987, *Further Advice on Executive Order 11988 Floodplain Management*. Available: <https://catalog.hathitrust.org/Record/102212852>

² <http://www.epa.gov/otaq/standards/heavy-duty/hdci-exhaust.htm>

- Locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.
- Develop a construction traffic plan that identifies ingress and egress routes that avoid residential areas and schools, to avoid traffic and safety impacts.
- Minimize unnecessary idling of heavy equipment.

The EPA appreciates the opportunity to provide comments for this project. If you have any questions, please contact me at 415-947-4167 or contact Karen Vitulano of my staff at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,

Jean Prijatel
Manager, Environmental Review Branch

cc: Dawi Dakhil, International Boundary & Water Commission
David Gibson, California Regional Water Quality Control Board, Region 9
Serge Dedina, Wildcoast